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In re Application of
Pitt et al.
Application No.: 10/537,276
PCT No.: PCT/GB02/02730
Int. Filing Date: 14 June 2002
Priority Date: 12 February 2002
Attorney Docket No.: 8830-338 US1 (209954)
For: Method And Apparatus For Displaying
Advertisements On A Vehicle

DECISION

This is in response to the "Response To Decision On Petition" filed on 10 April 2006.

DISCUSSION

In a decision mailed on 17 March 2006, the renewed petition under 37 CFR 1.137(b) filed on 09 January 2006 was granted, but the declaration of the inventors was not accepted because

The decision mailed on 23 November 2005 also stated that

The declaration of the inventors is defective because the name of one of the inventors ("O'Neil") differs from the similar name ("O'Neill") of an inventor nominated by the published international application, and counsel has not adequately explained this discrepancy. Therefore, it is not clear if the declaration nominates the same inventive entity as does the published international application. Counsel is required to explain this discrepancy (e.g., whether it arose from a mere typographic error).

Since applicants have not resolved this issue, it would not be appropriate to accept the declaration of record at this time. In the event that the discrepancy arose from a mere typographic error, applicants are required to provide a statement to that effect. In the event that the discrepancy did NOT arise from a mere typographic error, either a new oath or declaration in compliance with 37 CFR 1.497(a) and (b) or else a petition under 37 CFR 1.182 is required.

The instant "Response..." states in part that

the Declaration included a typographic error... Specifically, the inventor's name was misspelled as "O'Neil." The correct spelling of the inventor's name is "O'Neill." The spelling was correct on the published international application as well as the Assignment. The typographic error was inadvertently introduced into the Declaration by the undersigned, and it was overlooked by the inventor when the Declaration was executed.

The details of how the typographic error arose are further clarified by the "Statement In Support Of Declaration" signed by Robert E. Cannuscio. Based on the totality of the evidence now of record, it would be appropriate to conclude that the discrepancy between the spelling of the inventor's name on the published international application and on the executed declaration constitutes a mere typographic error. Accordingly, the declaration is being accepted for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The declaration is **ACCEPTED** as noted above.

The \$65.00 surcharge under 37 CFR 1.492(h) is being charged to counsel's Deposit Account No. 50-0573, as authorized by the 27 May 2005 Transmittal Letter.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **27 May 2005**.



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